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Federal Communications Commission
Office of the Secretary

FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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SEP 14 2004

Federal Communication Commission
Bureau / Office

In the Matter of)
)
Amendment of Section 73.202 (b),) MMB Docket No. 04-252
Table of Allotments,) RM-10862
FM Broadcast Stations)
(Parker, Arizona).)

To: Assistant Chief, Audio Division

REPLY COMMENTS

Farmworker Educational Radio Network, Inc. ("FERNI"), licensee of radio station KRIT (FM), Parker, Arizona, hereby replies to the Counter-proposal submitted jointly by 3 Point Media - Prescott Valley, LLC and W. Grant Hafley ("3 Point/Hafley") in the above-captioned proceeding. FERNI has reviewed the showing by 3 Point/Hafley and, for the reasons specified herein and in the attached Engineering Exhibit EE-RM-2 prepared for FERNI, supports the Counterproposal, with a single modification. Specifically, in addition to the changes to the FM Table of Allotments requested by 3 Point/Hafley, FERNI proposes the following additional change (modifying its own initial proposal), which will enable FERNI to accomplish its goal of improving service provided by KRIT(FM) at Parker,

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Arizona, while accommodating the proposed move of KKLD(FM) from Prescott Valley, Arizona, to provide a first local service at Mayer, Arizona:

Community	Channel	
	<u>Existing</u>	<u>Proposed</u>
Parker, AZ	230C3	224B1

The Counterproposal, at Paragraph 2, stated that “[a] search of the radio spectrum has not revealed any Class B1 channels that could be allotted in place of Channel 252B1 at Parker.” That is not surprising because, as noted in Engineering Statement prepared for FERNI, the Commission’s database has not been updated to reflect the availability of Channel 224B1 at Parker, Arizona, after all currently authorized amendments to the FM Table of Allotments are implemented. Each such amendment is identified, by docket and location, at page 3 of the Engineering Statement.

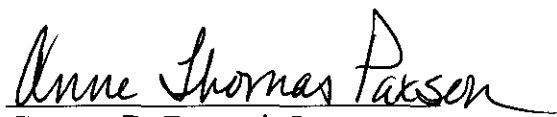
FERNI’s modified proposal, to specify Channel 224B1 in lieu of 252B1 as the substitute channel for 230C3 at Parker, satisfies all separations and coverage requirements. The change herein proposed, enabling KRIT to serve five times more people than it can from its present site, will clearly serve the public interest. If the Commission authorizes the requested

channel change for KRIT at Parker, FERNI will apply for modified facilities on the new channel and, if its application is granted, will promptly construct and operate as proposed.

Accordingly, it is respectfully requested that Commission staff act expeditiously to adopt the universal solution identified herein, which would accommodate all the parties and would result in a more efficient use of the spectrum. As before, because 230C3 and 224B1 are equivalent class channels and acceptance of competing expressions of interest are thereby foreclosed, no other party would be adversely affected if the proposed channel substitution at Parker were adopted and implemented.

Respectfully submitted,

FARMWORKER EDUCATIONAL
RADIO NETWORK, INC.

By: 
George R. Borsari, Jr.
Anne Thomas Paxson

Its Attorneys

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September 14, 2004

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ENGINEERING EXHIBIT EE-RM-2:

**REPLY COMMENTS - MB DOCKET 04-252
MODIFICATION OF PENDING
RULE MAKING TO AMEND
FM TABLE OF ALLOTMENTS**

SUBSTITUTE CH. 224B1 FOR 230C3 AT PARKER, AZ

SEPTEMBER 13, 2004

**ENGINEERING STATEMENT PREPARED ON BEHALF OF
FARMWORKER EDUCATIONAL RADIO NETWORK, INC.
RADIO STATION KRIT (FM)
CHANNEL 230C3 - PARKER, ARIZONA**

Facility ID: 88674

ENGINEERING EXHIBIT EE-RM-2:

**REPLY COMMENTS - MB DOCKET 04-252
MODIFICATION OF PENDING
RULE MAKING TO AMEND
FM TABLE OF ALLOTMENTS**

SUBSTITUTE CH. 224B1 FOR 230C3 AT PARKER, AZ

TABLE OF CONTENTS:

1. Declaration of Engineer
2. Narrative Statement
3. Figure 1, Channel Allocation Study for Ch. 224B1.
From Ref. Point for Parker, AZ
4. Figure 2, General Area Map.

Declaration

I, John J. Mullaney, declare and state that I am a graduate electrical engineer with a B.E.E. and my qualifications are known to the Federal Communications Commission, and that I am an principal engineer in the firm of Mullaney Engineering, Inc., and that I have provided engineering services in the area of telecommunications since 1977. My qualifications as an expert in radio engineering are a matter of record with the Federal Communications Commission.

The firm of Mullaney Engineering, Inc., has been requested by Farmworker Educational Radio Network, Inc., licensee of Radio Station KRIT(FM), to prepare the instant engineering exhibit in support of a reply comments concerning a pending rule making petition to amend the FM Table of Allotments at Parker, Arizona (FCC Facility ID Number: 88674).

All facts contained herein are true of my own knowledge except where stated to be on information or belief, and as to those facts, I believe them to be true. I declare under penalty of perjury that the foregoing is true and correct.

/s/ John J. Mullaney

John J. Mullaney, Consulting Engineer

Executed on the 13th day of September 2004

ENGINEERING EXHIBIT EE-RM-2:

**REPLY COMMENTS - MB DOCKET 04-252
MODIFICATION OF PENDING
RULE MAKING TO AMEND
FM TABLE OF ALLOTMENTS**

SUBSTITUTE CH. 224B1 FOR 230C3 AT PARKER, AZ

NARRATIVE STATEMENT:

This engineering statement has been prepared on behalf of Farmworker Educational Radio Network, Inc., licensee of Radio Station KRIT(FM), Channel 230C3 at Parker, Arizona (Facility ID 88674). The purpose of this statement is to support reply comments in MB Docket 04-252. Farmworker wishes to **modify** its pending proposal to specify Ch. 224B1 in lieu of 252B1 as the substitute channel for 230C3 at Parker, Arizona, and to modify the license of Farmworker accordingly. This modification also submits new coordinates. This modification of its originally requested channel is necessary in order to **eliminate a conflict** with a counter proposal filed by 3 Point Media, licensee of KKLD (FM) at Prescott Valley, AZ.

KKLD has requested an upgrade from 252A to 252C and the re-allotment from Prescott Valley to Mayer, AZ. The site proposed in the counterproposal creates a 79 km short spacing to the 252B1 reference point at Parker, AZ.

Farmworker wishes to point out that the channel/class it seeks is equivalent to its existing channel/class. Therefore, its request is in compliance with Section 1.420(g) of the rules and is not subject to competing expressions of interest.

The proposed reference point is within 290 kilometers (180 miles) of a United States Border and, therefore, **foreign concurrence is required**.

Proposed Reference Site

For the purposes of this rule making the applicant proposes to use a special reference point which is located 15.4 km (9.6 miles) northeast of the city of Parker, AZ. Farmworkers is negotiating to use an existing site and conditions its acceptance of this RM on the use of this special reference point.

N. Latitude:	34°	16'	00"	NAD-27
W. Longitude:	114°	12'	00"	

The proposed reference site has been verified and found that **it will provide an unobstructed view** of the city of license, Parker and is located close enough to serve the entire community with the required 3.16 mV/M or 70 dBu contour. **Figure 2** is a general area map showing the Parker area. It also demonstrates that the proposed reference is in California and establishes that the 60 dBu population will increase from 11,075 to 57,300 persons (2000 Census).

Channel Allocation Study

Figure 1 is a Channel Allocation Study from the special B1 reference point for Parker, Arizona. The study indicates the actual & required separation in kilometers to all licenses, construction permits, applications, vacant allocations and pending rule makings. From this study it can be determined that proposed reference point exceeds all of these minimum separations after an explanation. Unfortunately, CDBS contains many inaccurate records, five of which impact use

of channel 224B1 at Parker.

Ch. 224C2 at Lake Havasu City, AZ, was moved to 272C2 via Docket 99-271.

Ch. 224C1 at Kingman, AZ, moved to 224C at Dolan Springs, AZ via Docket 01-63.

Ch. 224C at Dolan Springs, AZ, moved to 224 at Moapa Valley, NV, via Docket 02-12 (two records in CDBS).

Ch. 224A at Salome, AZ, was submitted as a counterproposal in Docket 01-345. It was denied in lieu of 270A.

Farmworkers believes that the proposed change in channel/class will serve the public interest by increasing the 60 dBu population. If granted, Farmworker will quickly file an application for construction permit.

/s/ John J. Mullaney

John J. Mullaney, Consulting Engineer

September 13, 2004.

FARMWORKER EDUCATIONAL RADIO NETWORK, INC.

REFERENCE		CLASS = B1		DISPLAY DATES	
34 16 00 N		Current	Spacings	DATA	09-11-04
114 12 00 W				SEARCH	09-13-04
----- Channel 224 - 92.7 MHz -----					

Call	Channel	Location	Dist	Azi	FCC	Margin
ALLO	USE	224C2 Lake Havasu City	AZ 26.56	335.2	200.0	-173.44 Ignore
Note: 224C2 Lake Havasu City moved to 272C2 via Doc 99-271						
AL224	VAC	224C1 Kingman	AZ 86.33	349.9	233.0	-146.67 Ignore
Note: 224C1 Kingman moved to 224C at Dolan Springs via Doc 01-63						
ALLO	USE	224C Dolan Springs	AZ 147.17	357.5	259.0	-111.83 Ignore
KRRN	LIC-N	224C Dolan Springs	AZ 154.01	356.3	259.0	-104.99 Ignore
Note: 224C Dolan Springs moved to 224C at Moapa Valley, NV, Doc 02-12						
RADD	ADD	224A Salome	AZ 84.43	137.5	143.0	-58.57 Ignore
Note: 270A was adopted in lieu of 224A via Doc 01-345						
AL224	RSV	224C Moapa Valley	NV 259.76	352.1	259.0	0.76
KKUU	LIC	224A Indio	CA 192.19	257.3	143.0	49.19

RM Reference point is 15.4 km (9.6 miles) from CP or City

Proposed reference point is located in California and, thus,
Parker must operate as a Class B1 rather than a Class C3.
This change in class is NOT considered an upgrade.

Use of 224B1 in Lieu of 252B1 eliminates conflict with proposal by
KKLD 252C2 Prescott Valley to move to 252C at Mayer, AZ

CHANNEL STUDY - 224B1 - SPECIAL REFERENCE POINT

FARMWORKERS EDUCATIONAL RADIO NETWORK, INC.
RULE MAKING - DOCKET 04-252
SUBSTITUTE 224B1 FOR 230C3 AT PARKER, ARIZONA

MULLANEY ENGINEERING, INC.
GAITHERSBURG, MARYLAND

FIGURE 1
SEPTEMBER 2004

FIGURE 2 - AREA MAP - PARKER, AZ

Farmworker Educational Radio Network, Inc.
MB Docket 04-252 - Parker, Arizonz

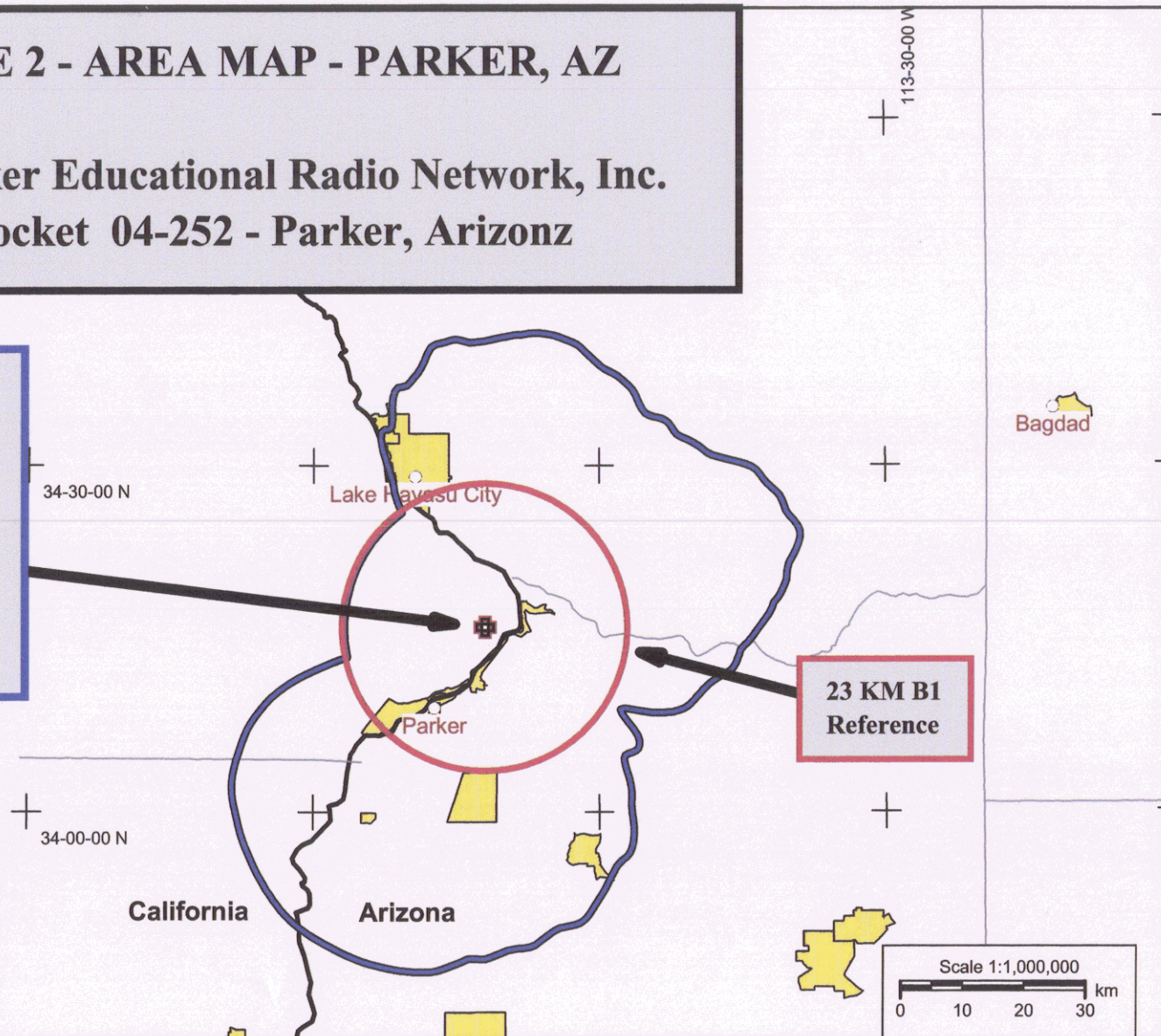
RM Ref 224B1
Parker AZ

Latitude: 34-16-00 N
Longitude: 114-12-00 W
ERP: 25.00 kW
Channel: 224 B1
Frequency: 92.7 MHz
AMSL Height: 417.51 m
Elevation: 190.17 m
Horiz. Pattern: Omni

60 dBu Coverage Contour



September 2004



CERTIFICATE OF SERVICE

I, Jennifer A. White, an employee of the law firm Borsari & Paxson, hereby certify that a true copy of the foregoing Reply Comments was this 14th day of September 2004 sent via first class U.S. Mail, postage prepaid, to each of the following:

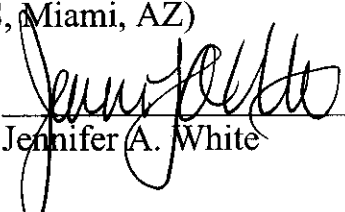
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